Kindly amend the application as follows:

IN THE CLAIMS

Kindly amend the claims as follows[2]:

1. (Seven Times Amended) A device for inducing local bone or cartilage formation, comprising:

a purified osteogenic protein capable of inducing repair of endochondral bone, or cartilage, chondral, or osteochondral defects, said purified osteogenic protein being isolated from naturally-occurring sources or produced by recombinant DNA techniques;

a matrix; and

a binding agent selected from the group consisting of mannitol, dextran, cellulose, white petrolatum, and derivatives thereof;

wherein the device does not comprise a synthetic polymer matrix or a demineralized bone matrix, and said binding agent has a viscosity of about 10-200 cP or a degree of substitution of 0.65-0.90.

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2 An Appendix of Amendments is enclosed herewith as Exhibit A showing the amendments to claims 1, 17, 20, 23, 31, 32 and 35. In the Appendix, additions are underscored and deletions are bracketed. A copy of the pending claims after entry of this Amendment is also enclosed herewith as Exhibit B for the Examiner's convenience.

17. (Four Times Amended) A device for inducing local bone or cartilage formation, comprising at least approximately 1.25 mg of purified OP-1 and at least approximately 180 mg of carboxymethylcellulose per 1000mg of collagen matrix, wherein said purified OP-1 is isolated from naturally-occurring sources or produced by recombinant DNA techniques, and said carboxymethylcellulose has a viscosity of about 10-200 cP or a degree of substitution of 0.65-0.90.

J2

20. (Six Times Amended) A device for inducing local cartilage or bone formation comprising a purified osteogenic protein capable of inducing repair of endochondral bone, or cartilage, chondral, or osteochondral defects and a carrier, wherein said carrier comprises one part binding agent and 10 or fewer parts (w/w) matrix, said purified osteogenic protein is isolated from naturally-occurring sources or produced by recombinant DNA techniques, and said binding agent has a viscosity of about 10-200 cP or a degree of substitution of 0.65-0.90.

J3

23. (Six Times Amended) A device for inducing local bone or cartilage formation comprising a purified osteogenic protein capable of inducing repair of endochondral bone, or cartilage, chondral, or

J4

osteochondral defects and a carrier, wherein said carrier comprises 10 or fewer parts (w/w) binding agent and 1 part matrix, said purified osteogenic protein being isolated from naturally-occurring sources or produced by recombinant DNA techniques, and said binding agent has a viscosity of about 10-200 cP or a degree of substitution of 0.65-0.90.

J4 Cont

31. (Three Times Amended) A device for inducing local bone or cartilage formation comprising:

purified OP-1;

collagen matrix; and

J5

carboxymethylcellulose;

wherein said purified OP-1 is isolated from naturally-occurring sources or produced by recombinant DNA techniques, and said carboxymethylcellulose has a viscosity of about 10-200 cP or a degree of substitution of 0.65-0.90.

32. (Twice Amended) A kit for inducing local bone or cartilage formation using the device of claim 1, the kit comprising:

J6

(a) a receptacle adapted to house the osteogenic protein and the matrix material, and

(b) a receptacle adapted to house the binding agent,

wherein the osteogenic protein and matrix material are provided in the receptacle of part (a), and the binding agent is provided in the receptacle of part (b), and said binding agent has a viscosity of about 10-200 cP or a degree of substitution of 0.65-0.90.

35. (Twice Amended) A kit for inducing local bone or cartilage formation using the device of claim 1, the kit comprising:

a first receptacle adapted to house the osteogenic protein, the matrix material, and the binding agent,

wherein the osteogenic protein, matrix material and binding agent are provided in said receptacle, and said binding agent has a viscosity of about 10-200 cP or a degree of substitution of 0.65-0.90.

J6 cont

REMARKS

Claims 1-9, 11-25, 31-33, 35 and 36 are pending in this application. Applicants have amended claims 1, 17, 20, 23, 31, 32 and 35 to promote clarity and to further define the scope of the invention.

Applicants have amended claims 1, 20, 23, 32 and 35 to specify that the binding agent is of low viscosity grade having a viscosity of about 10-200 cP or